

## REMARKS

This application has been reviewed in light of the Office Action dated August 26, 2004. Claims 66-68, 70-74, 89, and 90 are presented for examination, of which Claims 66 and 89 are in independent form. Favorable reconsideration is requested.

Claims 66-68, 70-72, 89, and 90 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,192,045 (Williams et al.) in view of U.S. Patent 6,421,429 (Merritt et al.); Claim 73, as being obvious from Williams et al. in view of Merritt et al., and further in view of U.S. Patent 6,211,972 (Okutomi et al.); and Claim 74, as being obvious from Williams et al. in view of Merritt et al., and further in view of U.S. Patent 5,872,845 (Feder), and further in view of WIPO Publication WO 97/10668 (Kulakowski).

Independent Claim 66 is directed to an image communication method that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode. A detection is made as to which of those Internet facsimile modes a destination apparatus of image data has. This determination is made during communication in the G3 facsimile mode, in accordance with a first procedure signal of the G3 facsimile mode from the destination apparatus. Then, an image is transmitted to the destination apparatus based on the Internet facsimile mode of the destination apparatus detected in the detecting step.

Among other notable features of Claim 66 are detecting an Internet facsimile mode, that a destination apparatus has, in accordance with a G3 facsimile procedure signal from the destination apparatus, and transmitting an image to the destination apparatus based on the detected mode.

Williams et al., as understood by Applicant, relates to minimizing connect-time charges associated with dial-up data networks. The Examiner, at page 2 of the Office Action, cites Fig. 12, and column 8, line 44, to column 9, line 20, of Williams et al. as allegedly disclosing “detecting an Internet facsimile mode, which a destination apparatus of image data has, from the plurality of Internet facsimile modes during communication in the *facsimile mode*, in accordance with a first procedure signal of the *facsimile mode* from the destination apparatus.” (Emphasis in original.) Applicant respectfully disagrees with the Examiner’s reading of Williams et al.

As discussed in the cited portion of Williams et al., when a user wants to send a fax over the Internet, the user adds a special code (such as \*\*2) to the phone number of the receiving fax machine. When sending fax machine 51, shown in Fig. 9, initiates sending the fax, the attached fax call-back device 53 detects the special code and intercepts the call, as shown in blocks 70 and 71 (Fig. 12). Fax call-back device 53 begins the call-back sequence by sending ringing signals to sending fax machine 51 so that it appears that the connection is proceeding normally, as indicated in block 73. Next, fax call-back device 53 establishes a connection 61 to local exchange carrier (LEC) by going off-hook, as shown in FIG. 10. It then transmits signaling tones received from sending fax machine 51 to LEC 55 corresponding to the phone number of receiving fax machine 52, as indicated in block 62. LEC 55 establishes a connection 63 via a long distance carrier 59 (LDC) to the LEC 56 located near the receiving fax machine 52.

LEC 56 signals fax callback device 54 attached to receiving fax machine 52 of the incoming phone call by generating a ringing signal. Waiting in block 82, fax call-

back device 54 answers the incoming phone call 62 (block 83) and waits to see if incoming phone call 62 is immediately terminated as shown in block 84. Sending fax callback device 53, waiting in block 75, detects that fax callback device 54 has answered incoming phone call 62 and immediately terminates phone call 61, as shown in block 76, to avoid any PSTN-related charges. If fax call-back device 54 detects that an incoming phone call 62 from LEC 56 was not immediately terminated, fax call-back device 54 routes the incoming phone (fax) call 62 to receiving fax machine 52, as indicated in block 85, which receives and processes the fax normally, as indicated in block 43. If incoming phone call 62 from LEC 56 was immediately terminated, then, once call 62 has terminated, fax call-back device 54 establishes a connection 62 to local exchange carrier (LEC) 56 by going off-hook. It then transmits signaling tones to LEC 56 corresponding to a preprogrammed phone number associated with the immediately terminated call, and connects to the fax call-back device's Internet Service Provider (ISP) 58. LEC 56 establishes a connection 66 to Internet 60 via ISP 58. Fax call-back device 54 is now connected to Internet 10 and is ready to receive the fax as indicated in block 87 and Fig. 11.

However, Applicant is unable to find anything in the cited portion of Williams et al., or indeed in any other portion of that patent, that teaches or suggests detecting an Internet facsimile mode which a destination apparatus of an image data has, in accordance with a signal from the destination apparatus of the image data. The cited portion of Williams et al. is understood to relate to (1) a special code which the user adds to the phone number of the receiving fax machine when the user wishes to send a fax over the Internet; (2) that fax call-back device 53 establishes a connection 61 to the local

exchange carrier by going off-hook, and then transmits signaling tones received from sending fax machine 51 to local exchange carrier 55 corresponding to the phone number of the receiving fax machine 52; and (3) that sending fax callback device 53 detects that fax callback device 54 has answered incoming phone call 62. None of these is seen to teach or suggest detecting an Internet facsimile mode, which a destination apparatus of an image data has, based on a signal from a destination apparatus of the image data.

As Williams et al. fails to teach or suggest detecting an Internet facsimile mode, which a destination apparatus of an image data has, in accordance with a signal from a destination apparatus of the image data, Williams et al. also fails to teach or suggest detecting an Internet facsimile mode which the destination apparatus has, from among a plurality of Internet facsimile modes, in accordance with a G3 facsimile procedures signal from the destination apparatus of the data, as recited in Claim 66.

Merritt et al., as understood by Applicant, relates to a network-based system including a database that holds profiles of end users. Merritt et al. apparently discusses that a calling device confirms a network-based image communication processing system about a function of a called device and transmits data directly from the calling device to the called device in accordance with the confirmation result, or transmits data from the calling device to the network-based image communication processing system to convert the data format within the network-based image communication processing system, and then transmits the data to the called device.

However, Merritt et al. also fails to teach or suggest detecting an Internet facsimile mode, which a destination apparatus of image data has, in accordance with a

signal from the destination apparatus of the image data. The Office Action cites column 5, lines 51-65, of Merritt et al. That portion of Merritt et al. is understood to discuss merely that there are several access modes for the image nodal processor depicted in Fig. 1A, and that, at the low end, access into the nodal server may be via a FAX/modem, in CCITT (ITU) Group-3 file format; however, nothing in that portion of Merritt et al. is deemed to teach or suggest detecting an Internet fax mode of a destination apparatus during communication in the G3 facsimile mode, in accordance with a first procedure signal of the G3 facsimile mode from the destination apparatus. Neither is the cited portion of column 11, lines 16-36, of Merritt et al. seen to teach or suggest this feature, as that portion is understood to relate merely to a network mediated handshake that establishes, by database query and/or querying the sending station, which image format should be used in a transmission, and nothing in that cited portion is seen to teach or suggest that the establishment of the image format which should be used is made according to information obtained using a G3 signal from the destination station.

Accordingly, nothing in Williams et al. or Merritt et al., either separately or in any combination (assuming for argument's sake that such combination would be permissible), teaches or suggests detecting an Internet facsimile mode, which a destination apparatus has, from a plurality of Internet facsimile modes in accordance with a G3 facsimile procedure signal from the destination apparatus, and transmitting an image to the destination apparatus based on the detected mode, as recited in Claim 66.

Accordingly, Claim 66 is believed to be clearly allowable over Williams et al. or Merritt et al., either separately or in any permissible combination (if any).

Independent Claim 89 is directed to an image communication apparatus that utilizes a plurality of Internet facsimile modes and a G3 facsimile mode. The apparatus includes a detection unit adapted to detect an Internet facsimile mode which a destination apparatus of image data has from the plurality of Internet facsimile modes, during communication in the G3 facsimile mode, in accordance with a first procedure signal of the G3 facsimile mode from the destination apparatus, and a transmission unit adapted to transmit an image based on the Internet facsimile mode of the destination apparatus detected by the detection unit.

Claim 89 is believed to be clearly allowable over Williams et al. and Merritt et al. for at least the same reasons as discussed above in connection with Claim 66.

The other rejected claims in this application depend from Claim 66 or 89 discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

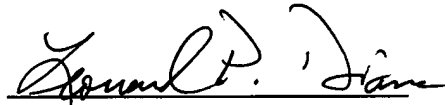
This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", is written over a horizontal line.

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